

PUGET SOUND AIR POLLUTION CONTROL AGENCY
KING COUNTY ▲ KITSAP COUNTY ▲ PIERCE COUNTY ▲ SNOHOMISH COUNTY

October 25, 1996

Henrik Voldbaek
Ash Grove Cement Co.
3801 E Marginal Way S
Seattle, WA 98134

RECEIVED
OCT 31 1996
AGCW-SEATTLE

Dear Mr. Voldbaek:

**Disposition of Notice of Violation No. 34405
Civil Penalty No. 8331**

Based on the information you provided to us in your corrective action letter dated September 9, 1996, this Agency considers the above-referenced matter closed and will take no further enforcement action in this case.

If you have any questions concerning this matter, please contact me at 689-4078.

Sincerely,

Neal J. Shulman
Manager - Inspection

cc: Rosemary G. Busterna, PSAPCA
Elizabeth M. Gilpin, PSAPCA

EMG\cbc

Dennis J. McLerran, Air Pollution Control Officer

B O A R D O F D I R E C T O R S

Chairman: Win Granlund, Commissioner, Kitsap County
Janet Chalupnik, Member at Large
Edward D. Hansen, Mayor, Everett

Lynn S. Horton, Mayor, Bremerton
R.C. Johnson, Councilman, Snohomish County
Gary Locke, King County Executive

Brian Ebersole, Mayor, Tacoma
Norman B. Rice, Mayor, Seattle
Doug Sutherland, Pierce County Executive

110 Union Street, Suite 500, Seattle, Washington 98101-2038 ▲ (206) 343-8800 ▲ (800) 552-3565 ▲ FAX: (206) 343-7522
printed on recycled paper

AGCS2M001396

110 Union Street, Suite 500
Seattle, Washington 98101-2038

VS

ASH GROVE CEMENT COMPANY
c/o Henrik Voldbaek, Plant Manager
3801 East Marginal Way South
Seattle, Washington 98134-1147

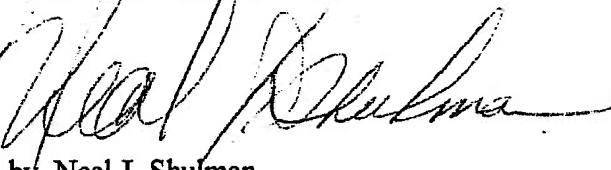
NO. 8331

NOTICE AND ORDER OF
CANCELATION OF CIVIL PENALTY

You are hereby notified that Notice and Order of Civil Penalty No. 8331, which was issued by Certified Mail No. Z.704 779 370, and was dated March 21, 1996, is canceled.

Dated this 29th day of October 1996.

Dennis J. McLerran
Air Pollution Control Officer



by Neal J. Shulman
Manager - Inspection

ASH GROVE CEMENT COMPANY



"WESTERN REGION"

September 9, 1996

Mr. Neil Shulman,
Puget Sound Air Pollution Control Agency
110 Union Street, Suite 500
Seattle, WA. 98101-2038

NOTICE of DISPOSITION OF CIVIL PENALTY NO 8331

Dear Mr. Shulman:

Thank you for this opportunity to respond to the above Notice of Disposition. From subsequent conversations, I understand that our use of the term 'mechanical failure' in the November 1995 CEM report and in a letter dated July 5, 1996 did not accurately describe the cause and remedy of the NOx exceedance referenced by Notice of Disposition of Civil Penalty No. 8331. Our use of the term in this correspondence was meant to describe a plug or jam that interrupted feed to the kiln system. It was not meant to express that a machine or any part of a machine failed.


As was previously reported, the plant had been in normal operation when primary supply lines feeding raw material into the kiln system became plugged by chunks of raw feed material. These lines are located in the bottom of the kiln feed bin and the bin is supplied with feed through a system connected to the storage silos. The sudden reduction in the quantity of material to the kiln system was detected by the control room operator. At which time the operator switched to the standby feed line. This system was however also plugged by a jam. An investigation into the cause was begun immediately and at the same time, heat input to the kiln system was reduced by the control room operator. In less than three hours, the crew investigated, located, diagnosed and remedied a problem which had not previously occurred while reducing heat in the kiln. The excess NOx was caused when the amount of feed suddenly became insufficient to absorb the heat in the kiln.

Although plugs related to the preheater have occurred, this is the first time the feed system plugged. To prevent a recurrence, a grate was installed and is maintained at the inlet point of the feed bin to prevent chunks from entering the bin and plugging the feed line. It is not known exactly where in the system or what causes the lumps to form but, most likely, they form in the feed before it enters the bin. We believe that this action will significantly reduce the potential of a recurrence by preventing chunks from entering the bin.

Since this event was not caused by inadequate design, operation or maintenance, and appropriate corrective action was taken to identify the problem source, and clear the feed line and to minimize the emission exemption under WAC 173-400-107 (6) Excess emissions due to upsets was requested in the November 1995 CEM report.

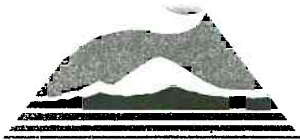
Thank you for your consideration

Yours truly,



Gerald J. Brown
Manager, Safety and Environment

Copy: H. Voldbaek
N. Fernow
D. Hale



PUGET SOUND AIR POLLUTION CONTROL AGENCY
KING COUNTY ▲ KITSAP COUNTY ▲ PIERCE COUNTY ▲ SNOHOMISH COUNTY

August 8, 1996

Certified Mail No. P 371 603 538

Ash Grove Cement Company
c/o Gerald J. Brown, Manager - Safety & Environment
3801 East Marginal Way South
Seattle, WA 98134

RECEIVED

AUG 12 1996

AGCW-SEATTLE

Dear Mr. Brown:

Ash Grove Cement Company
Notice of Disposition on Application for Relief
Notice and Order of Civil Penalty No. 8331

Due to the differing nature of the violations cited in Notices of Civil Penalty Nos. 8330 and 8331, we have determined it appropriate to deal separately with the disposition of each Notice. As a result, we are hereby formally withdrawing the proposed Consent Order and Assurance of Discontinuance forwarded to you on June 25, 1996.

This letter will deal specifically with Notice of Civil Penalty No. 8331 assessing a penalty of \$2,000.00 for the November 1995 violation of Condition #6 of Order of Approval for Notice of Construction #5730. We will address Notice of Civil Penalty No. 8330 in a separate letter.

By letter dated July 5, 1996, Ash Grove has requested "Reconsideration for 'Mitigation'" of Notice and Order of Civil Penalty No 8331. In that request you have set out conclusions upon which you base a request for exemption under WAC 173-400-107 (6), Excess Emissions Due to Upsets.

We have reviewed the information contained in your letter and have determined that Ash Grove Cement Company has not met the requirements of WAC 173-400-107 (6) in that you have failed to "adequately demonstrate" the required elements necessary to support a finding that the excess emissions were unavoidable.

This letter serves as notification that this Agency will not accede to remitting or mitigating Notice and Order of Civil Penalty No. 8331. In accordance with RCW 43.21B.300 and 70.94.431, thirty (30) days after your receipt of this Notice of Disposition on Application for Relief from Penalty, the Civil Penalty becomes due and payable in the full amount of \$2,000.00 unless appealed to the Washington State Pollution Control Hearings Board (PCHB), with a copy of such appeal being presented to this Agency within the aforementioned thirty (30) day period. Enclosed is an informal guide, published by the PCHB, to inform you of your rights and responsibilities in an appeal.

Sincerely,

Neal J. Shulman
Manager - Inspection

Enclosure

cc: Laurie Halvorson, Agency Counsel
Accounting
Rosemary Busterna, Lead Air Pollution Inspector
Melissa McAfee, Air Pollution Inspector
Elizabeth Gilpin, Air Pollution Inspector
Fred Austin, Air Pollution Engineer
Dennis J. McLerran, Air Pollution Control Officer

B O A R D O F D I R E C T O R S

Chairman: Win Granlund, Commissioner, Kitsap County
Janet Chalupnik, Member at Large
Edward D. Hansen, Mayor, Everett

Lynn S. Horton, Mayor, Bremerton
R.C. Johnson, Councilman, Snohomish County
Gary Locke, King County Executive

Brian Ebersole, Mayor, Tacoma
Norman B. Rice, Mayor, Seattle
Doug Sutherland, Pierce County Executive

110 Union Street, Suite 500, Seattle, Washington 98101-2038 ▲ (206) 343-8800 ▲ (800) 552-3565 ▲ FAX: (206) 343-7522

printed on recycled paper

AGCS2M001400



PUGET SOUND AIR POLLUTION CONTROL AGENCY
KING COUNTY ▲ KITSAP COUNTY ▲ PIERCE COUNTY ▲ SNOHOMISH COUNTY

July 24, 1996

Ash Grove Cement Co.
c/o Gerald J. Brown, Manager Safety & Environment
3801 East Marginal Way South
Seattle, WA 98134

RECEIVED
JUL 25 1996
AGCW-SEATTLE

Dear Mr. Brown:

Ash Grove Cement Co.
Reconsideration of Application for Relief (Remission or Mitigation)
Notice and Order of Civil Penalty No. 8330 & 8331

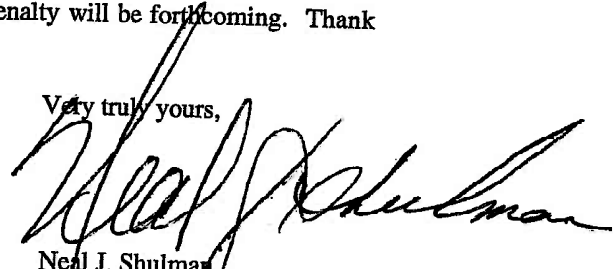
This is to acknowledge receipt by this Agency of the aforementioned Application for Remission or Mitigation on July 8, 1996. The appeal process is suspended until the Agency responds to your application.

The Application will be evaluated pursuant to the requirement of Section 3.11(c) of PSAPCA's Regulation I that provides:

"Upon receipt of the application, the Control Officer shall remit or mitigate the penalty only upon a demonstration by the requestor of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty."

A Notice of Disposition on the Application for Relief from Penalty will be forthcoming. Thank you.

Very truly yours,


Neal J. Shulman
Manager - Inspection

JLN/dly

cc: Laurie Halvorson, Agency Counsel
Accounting
Rosemary Busterna, Lead Inspector
Elizabeth Gilpin, Inspector
Melissa McAfee, Inspector

Dennis J. McLerran, Air Pollution Control Officer

BOARD OF DIRECTORS

Chairman: Win Granlund, Commissioner, Kitsap County
Janet Chalupnik, Member at Large
Edward D. Hansen, Mayor, Everett

Lynn S. Horton, Mayor, Bremerton
R.C. Johnson, Councilman, Snohomish County
Gary Locke, King County Executive

Brian Ebersole, Mayor, Tacoma
Norman B. Rice, Mayor, Seattle
Doug Sutherland, Pierce County Executive

110 Union Street, Suite 500, Seattle, Washington 98101-2038 ▲ (206) 343-8800 ▲ (800) 552-3565 ▲ FAX: (206) 343-7522
printed on recycled paper

AGCS2M001401

ASH GROVE CEMENT COMPANY

"WESTERN REGION"

July 5, 1996

Mr. Neil Shulman,
Puget Sound Air Pollution Control Agency
110 Union Street, Suite 500
Seattle, WA. 98101-2038

Post-it™ Fax Note 7671		Date 7/5	# of pages 1
To Matt Cohen		From G. J. Brown	
Co./Dept. Heller, Ehrman		Co. AGC	
Phone #		Phone #	
Fax #		Fax #	

Re : Reconsideration for "Mitigation"
NOTICE AND ORDER OF CIVIL PENALTY NOs 8330 and 8331

Dear Mr. Shulman:

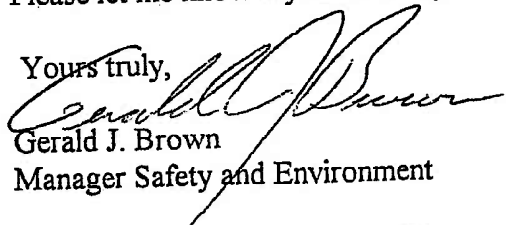
In order to reconsider our mitigation request, Mr. Nolan asked during our July 2 meeting for further information to determine the status of the plant at the time of the NOx event referenced by Notice and order of Civil Penalty No. 8331.

According to the November 1995 FORM CEM- 2 report filed with PSAPCA, the event did not occur during start up. The report shows the plant was in normal operation and had been for at least two days prior to the event. As reported, the emission resulted from a mechanical failure and when one of the two lines supplying raw feed to the kiln became plugged causing a sudden reduction in the quantity of material in the system. Excess NOx was generated because the amount of feed entering the kiln was not sufficient to adsorb the heat in the kiln. Since this event was not caused by inadequate design, operation or maintenance, there was no pattern of occurrence and appropriate corrective action was taken to identify the problem source, reduced system heat input and clear the feed line to minimize the emission, we requested exemption under WAC 173-400-107 (6) Excess emissions due to upsets.

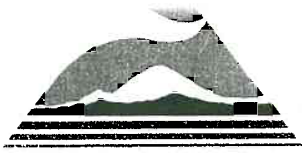
Regarding Notice and Order of Civil Penalty No. 8330, Mr. Nolan stated that PSAPCA's engineering group would be asked to consider an modification to the current SO2 start up limits. In light of this pending review, we request that the due date for responding to the June 27 Notice of Deposition is extended until PSAPCA makes a determination.

Please let me know if you have any further question.

Yours truly,


Gerald J. Brown
Manager Safety and Environment

Copy: Henrik Voldbaek
Nate Fernow
Doug Hale



PUGET SOUND AIR POLLUTION CONTROL AGENCY

KING COUNTY

KITSAP COUNTY

PIERCE COUNTY

SNOHOMISH COUNTY

June 25, 1996

Certified Mail No. P 371 603 513

Ash Grove Cement Company
c/o Gerald J. Brown, Manager Safety & Environment
3801 East Marginal Way South
Seattle, WA 98134

RECEIVED

JUN 27 1996

AGUW-SEATTLE

Dear Mr. Brown:

Ash Grove Cement Company
Notice of Disposition on Application for Relief
Notice and Order of Civil Penalty No. 8330 and 8331

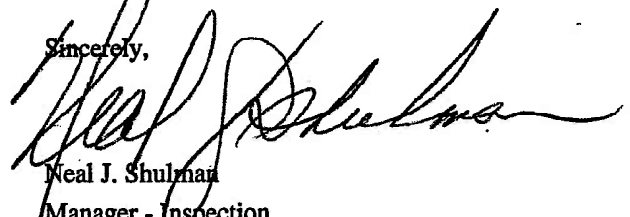
Reference is made to your Application for Remission or Mitigation that this Agency received on April 9, 1996.

We have reviewed your letters of February 15, 1996, and April 8, 1996, regarding these civil penalties and have determined that Ash Grove Cement Company has not met the requirements under WAC 173-400-107 (4) or WAC 173-400-107 (6) to demonstrate that these excess emissions were unavoidable.

However, a Consent Order and Assurance of Discontinuance (copy enclosed) is being offered for your consideration. We propose to suspend the entire amount of the penalty, provided Ash Grove applies for a Notice of Construction to amend the emission limits during startup. If the proposed Consent Order and Assurance of Discontinuance is signed and returned within 10 days of your receipt of this letter, this matter can be concluded. If you have any questions, or would like to discuss the settlement of this penalty further, please call me at 689-4078.

This letter serves as notification that this Agency will not accede to remitting or mitigating Notice and Order of Civil Penalty Nos. 8330 and 8331 further. In accordance with RCW 43.21B.300 and 70.94.431, thirty (30) days after your receipt of this Notice of Disposition on Application for Relief from Penalty, the Civil Penalties becomes due and payable in the full amount of \$3,000.00 unless appealed to the Washington State Pollution Control Hearings Board (PCHB), with a copy of such appeal being presented to this Agency, within the aforementioned thirty (30) day period. Enclosed is a an informal guide, published by the PCHB, to inform you of your rights and responsibilities in an appeal.

Sincerely,



Neal J. Shulman
Manager - Inspection

NJS:dly
Enclosure

cc: Laurie Halvorson, Agency Counsel
Accounting

Rosemary Busterna, Lead Air Pollution Inspector

Elizabeth Gilpin, Air Pollution Inspector

Dennis J. McLerran, Air Pollution Control Officer

B O A R D O F D I R E C T O R S

Chairman: Wln Granlund, Commissioner, Kitsap County
Janet Chalupnik, Member at Large
Edward D. Hansen, Mayor, Everett

Lynn S. Horton, Mayor, Bremerton
R.C. Johnson, Councilman, Snohomish County
Gary Locke, King County Executive

Harold G. Moss, Mayor, Tacoma
Norman B. Rice, Mayor, Seattle
Doug Sutherland, Pierce County Executive

110 Union Street, Suite 500, Seattle, Washington 98101-2038

(206) 343-8800

(800) 552-3565

FAX: (206) 343-7522

printed on recycled paper

AGCS2M001403

STATE OF WASHINGTON

PUGET SOUND AIR POLLUTION CONTROL AGENCY)
a municipal corporation of the state of Washington)
110 Union St, Suite 500)
Seattle, WA 98101-2038)

VS.

ASH GROVE CEMENT COMPANY)
c/o Edwin S. Pierce, Registered Agent)
3801 East Marginal Way South)
Seattle, WA 98134)

**CIVIL PENALTY
Nos. 8330 And 8331**

**CONSENT ORDER AND
AND ASSURANCE OF
DISCONTINUANCE**

The Puget Sound Air Pollution Control Agency (PSAPCA) issued and served Notice and Order of Civil Penalty Nos. 8330 and 8331 dated the 21st day of March 1996, in the amount of \$3,000.00 to Ash Grove Cement Company. The penalty assessments were based on violations of Condition Nos. 6 and 7 of Order of Approval for Notice of Construction #5730 in the following particulars:

Caused or allowed operation with nitrogen oxide (Nox) levels greater than 700 PPM @ 10% O2 for a 1-hour average, as reported in the CEM monthly summary report for November 1995; and caused or allowed operation with emission levels of SO2 from the main stack greater than 200 PPM corrected to 10% for a 1-hour average during startup, as reported in the CEM monthly summary report for November 1995 at 3801 East Marginal Way South in Seattle, Washington.

Pursuant to RCW 70.94.435, Ash Grove Cement Company does hereby agree to an Assurance of Discontinuance from violations of Condition Nos. 6 and 7 of Order of Approval for Notice of Construction #5730 and does agree to apply for a Notice of Construction to amend the emission limits during startup within 30 days of the date on this Consent Order and Assurance of Discontinuance.

PSAPCA accepts this Assurance of Discontinuance and does hereby suspend the entire amount of Civil Penalty Nos. 8330 and 8331 on the condition that Ash Grove applies for a Notice of Construction to amend the emission limits during startup within 30 days of the date on this Consent Order and Assurance of Discontinuance. If Ash Grove Cement Company does not comply with these conditions, the suspended amount of \$3,000.00 is immediately due and payable.

Failure to perform the terms of this order by July 25, 1996, shall constitute grounds for PSAPCA to seek injunctive or other relief from Superior Court.

DATED this _____ day of _____, 19_____.

Ash Grove Cement Company

by _____

DENNIS J. McLERRAN
Air Pollution Control Officer
By: Neal J. Shulman, Manager - Inspection